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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,405	02/17/2000	John W. Fulton	258100/87183	7747
23570	7590	07/14/2004	EXAMINER	
PORTER WRIGHT MORRIS & ARTHUR, LLP INTELLECTUAL PROPERTY GROUP 41 SOUTH HIGH STREET 28TH FLOOR COLUMBUS, OH 43215			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/506,405	FULTON ET AL.	
	Examiner	Art Unit	
	Franzy Poinvil	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell et al (US Patent No. 4,071,697) in view of News and Notes, Videodisc and Optical Disk July-August 1985 and Flynn et al (US Patent No. 5,223,699).

As per claims 1-4, all the claimed features are substantially taught by Bushnell et al particularly a method for facilitating transaction processing over a communications network utilizing a visually perceptible screen and a method of accessing an account, conducting a transaction, obtaining a service or obtaining information with a user interface for a communications network, said communications network including a user operable terminal for connecting with and sending and receiving communications at a remote location relative to a provider of the account, transaction, service or information and a gateway service platform for processing and transmitting communications to and from the user operable terminal and to and from at least one computer associated with the provider of the account, transaction, service or information see the teachings of Bushnell. Bushnell et al discuss displaying the selection of goods or services but does not explicitly detail the selection and description of the goods/services. In the News and

Notes article it is discussed a shopping system wherein a variety of goods/services are presented to a customer. The customer is opted to select a variety of menus of goods/services and description of the selected goods/services are provided or displayed to the user. Note the entire article. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings provided by News and Notes into the teachings of Bushnell et al in order to provide an interactive system wherein the descriptions of all selectable goods/services are displayed or vocally outputted to the customers. The motivation would have been to allow customers to quickly obtain all details regarding an item desired to purchase, as if they were in a live showroom.

The combination of Bushnell et al. and Videodisc and Optical Disk enables a customer to choose items of interest on a terminal screen and to directly communicate with a service provider by voice or TDD using a telephone system. Note the teachings of Bushnell et al. and Videodisc and Optical Disk.

Applicant has amended the independent claim to recite "the terminal being interconnected with a gateway service platform processor, which in turn is interconnected with a payment and settlement mechanism and one or more provider of transactions, the terminal being further capable of transmitting and processing communications..." and

enabling the user to make a selection of the information, goods or services corresponding to the indicia displayed on the screen and transmitting that selection

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through the gateway processor to the one or more provider and to the payment and settlement mechanism;

whereby upon receipt of the selection,)1 the gateway processor transmits the selection to the payment and settlement mechanism and to the provider; 2) the payment and settlement mechanism debits funds in the amount of the transaction from the user and credits the funds debited from the user to the provider; and)3 the provider delivers the selected information, goods or services to the user", and argues that Bushnell et al and News & Notes fail to teach or suggest the above noted features.

In response, it is noticed that Bushnell et al and News & Notes fail to teach or suggest these features. Flynn et al discloses a recording and billing system and method encompassing a user, a point of sales terminal, a payment and settlement mechanism and a service provider or merchant for providing goods or services to the user. The system enables a user to make a selection of the information, goods, or services corresponding to the indicia displayed on the screen and transmits the selection through the gateway processor to the one or more provider and to the payment and settlement mechanism. The system further debits funds in the amount of the transaction from the user and credits the funds debited from the user to the provider, the provider delivers the selected information, goods or services to the user. Flynn et al further teach a user is opted to talk with an operator of the system.

Applicant is directed to column 3, line 39 to column 7, line 33 of Flynn et al. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Flynn et al into Bushnell et al and Videodisc and Optical Disk

in order to provide accurate payment to related parties and the deduction of funds from the user's account for payment purposes.

As per claims 5 and 6, upon receipt of the selection, the gateway processor transmits the selection to the provider and the provider delivers to the user the account, transaction, service or information selected, and the payment and settlement mechanism is interconnected to one or more financial institutions that maintain accounts of the user and the one or more provider and in which, upon receipt of the selection from the gateway process, the payment and settlement mechanism processes the debit in the amount of the transaction by transferring funds from the account of the user to the account of the provider. Applicant is directed to column 3, line 39 to column 4, line 29 of Flynn et al.

As per claims 7 and 8, the display of a choice on the screen interface to provide means for enabling the user to repeat the transaction in the event of interruption or error in the data transmissions or error in the transaction is not explicitly taught in the combination above. Such would have been obvious to one of ordinary skill in the art in the combination above in order to allow a user's transaction to go thorough.

As per claims 9 and 10, Flynn et al disclose the payment and settlement mechanism is interconnected with a credit card system with which the user's account and an account of the one or more provider are associated and in which upon receipt of the user's selection from the gateway processor, the payment and settlement mechanism debits the user's credit card in the amount of the transaction and credits the

account of the provider with the funds of the transaction. Applicant is directed to column 3, line 39 to column 4, line 29 of Flynn et al.

As per claims 11 and 12, Flynn et al disclose providing for selection to the user a plurality of goods and/or services on the interface. Note column 3, lines 39-55 of Flynn et al. and the teachings of News & Notes.

As per claims 13 and 14, News and Notes provides a plurality of merchant catalogs. A travel services linked to an airline reservation system is not explicitly stated. The Examiner notes an airline reservation system is a type of services. Flynn et al provides services to the users or customers. Providing a travel services linked to an airline reservation system in the combination of Bushnell et al, News & Notes and Flynn et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to provide a wide range of services/goods to customers thereby providing a versatile and attractive system.

As per claims 17 and 18, the combination of Bushnell et al (US Patent No. 4,071,697), News and Notes, Videodisc and Optical Disk July-August 1985 and Flynn et al (US Patent No. 5,223,699) teach means for permitting the user to communicate to the provider includes at least one of a voice, TDD or data transmission selected by the user.

2. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell et al (US Patent No. 4,071,697), News and Notes, Videodisc and Optical Disk July-August 1985, Flynn et al (US Patent No. 5,223,699) as applied to claims 1 and 2 above, and further in view of Boothroyd (US Patent No. 3,970,992).

As per claims 15 and 16, Flynn et al. disclose the payment and settlement mechanism is interconnected with the gateway processor is an automated clearinghouse interconnected with a financial institution at which the user is an account holder. See column 3, lines 39-65. The combination of Bushnell et al, News & Notes and Flynn et al does not explicitly teach a bill pay service that debits funds from the user account upon selection by the user of a payor indicia displayed on the screen and input by the user of a funds amount. Boothroyd et al. teach this feature. Applicant is directed to column 5, lines 5-8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Boothroyd et al into the combination of Bushnell et al., News Notes and Flynn et al. in order to provide alternate services to the user thereby providing an overall attractive system to the user.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) 872-9327 for After Final actions.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
July 7, 2004


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628